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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
08466894	6/6/1995	HARVEY ET AL.	5634.276

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**EXAMINER**

AARON STRANGE

ART UNIT	PAPER
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2448

20100617

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

It is noted that for each NPL document cited on the respective PTO-1449 forms filed in the present application without date information, a "no date" annotation has been assigned by the examiner to each as the date information was not readily obtainable.

/Aaron Strange/  
Primary Examiner, Art Unit 2448

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a interview with Carl L. Benson (Reg. No. 38,378) on 6/15/2010.

The application has been amended as follows:

1-30 (Cancelled).

31. (Currently Amended) A method of processing a signal in a system comprising a transmitter station and a receiver station, said method comprising the steps of:

inputting said signal to said transmitter station, a portion of said signal causing a receiver station to gather statistics on programming availability, use or usage, said signal including a first identifier; and

inputting a transmission schedule associated with said signal, ~~said signal including a first identifier;~~ said schedule including a second identifier, and at least one of:

- (1) a time at which to transmit said signal; and
- (2) at least one of a frequency and an output network on which to transmit said signal;

automatically comparing using a processor at said transmitter station said first identifier and said second identifier;

transmitting said signal to said receiver station according to said schedule based on said step of automatically comparing and said schedule;

selecting ~~[[a]]~~ said portion of said signal at said receiver station; and

inputting said selected portion of said signal to a processor ~~for~~ at said receiver station, said processor at said receiver station controlling gathering statistics on programming availability, use or usage.

32-235 (Cancelled).

236. The method of claim 31, further comprising the step of storing said selected portion of said signal.

237. The method of claim 31, wherein said selected portion of said signal includes said first identifier.

238-303 (Cancelled).

### ***Allowable Subject Matter***

2. Claims 31, 236 and 237 (now renumbered 1-3) are allowed.

3. The following is an examiner's statement of reasons for allowance. These reasons for allowance should not be interpreted to imply that limitations not specifically mentioned are immaterial to patentability. The specific limitations identified below have been considered in combination with the entirety of the claim in determining patentability.

The prior art of record fails to disclose or fairly suggest a method as claimed, wherein a signal including a first identifier is input to a transmitter station and

transmitted to a receiver in accordance with a transmission schedule where a portion of the signal causes the receiver to gather statistics on programming availability, use or usage.

The prior art of record (Haselwood et al. US 4,025,851) does teach gathering of statistics on programming availability, use or usage by a receiver (col. 3, l. 55 to col. 4, l. 2) in response to receipt of a signal identifying the programming (col. 3, ll. 33-39). However, Haselwood does not teach that the signal *causes* the receiver to gather the statistics. Haselwood's receiver merely monitors for identification signals and gathers statistics based on the identification signals in the programming, rather than responding to instruction signals that cause the receiver to gather statistics.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448